
BZA-1884
TRAVIS CLAYWELL
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Travis Claywell, who is the owner and Executive Director of Awakening Youth, Inc., is requesting a special exception to legitimize an existing residential care facility (SIC 836) on property located at 8750 Kirkridge Lane. The special exception would allow up to 14 residents from the program to live at the house in addition to the 5 owner/family members. The site is located southeast of Dayton, on the west side of CR 900 East about ¼ mile south of SR 38 East, Sheffield 10 (E1/2) 22-3.

AREA ZONING PATTERNS:

The site in question and all surrounding property is zoned AW (Agricultural Wooded). FP (Flood Plain) zoning associated with the South Fork of Wildcat Creek is further to the west.

AREA LAND USE PATTERNS:

The site in question supports a large 6,300 sq. ft. single-family home and two large storage buildings. The home is located down a long winding private driveway on a 5 acre tract. This residence is one of 16 single-family homes located on Kirkridge Lane, an older unrecorded subdivision. Railroad tracks abut the property to the north.

TRAFFIC AND TRANSPORTATION:

The site in question has one driveway accessing Kirkridge Lane. Adequate room exists on site for several cars to be parked, in fact the home has an attached 3-car garage and the two storage buildings appear to have room for 5 cars under roof. According to the petitioner, there would potentially be up to 7 vehicles onsite: 2 personal, up to 3 for college-aged students, and up to 2 passenger vans belonging to the organization.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Septic and well serve the site. County Health Department records indicate it was installed in 1994.

STAFF COMMENTS:

Earlier this spring, petitioner contacted staff about locating his family and “foster children” to Lafayette and inquired about any pertinent zoning laws. Thinking the children were fostered and would be adopted, staff believed petitioner’s situation met the UZO definition of family. Petitioner proceeded with the relocation. A short time later a complaint was filed with the County Building Commissioner. Staff learned that the

children onsite were not foster children placed by a governmental agency, nor did petitioner have plans to adopt them. Petitioner met with staff in May to remedy the situation by seeking this special exception for residential care (Awakening Youth, Inc.) in the AW zone.

According to the website, Awakening Youth Inc. is a residential program for young females ages 13 to 23 with emphasis on social skills, personal excellence, self-esteem, education and faith. Formed in 2011, it is a non-profit charity organization governed by a board of directors and registered with the Indiana Secretary of State. Residents are disqualified from the program for a number of reasons: "high magnitude behavior including promiscuity, run-away, substance use/abuse, violence, or criminal records/behavior." According to the petition, residents for the program have experienced trouble often due to adoption issues, loss, or other trauma.

According to the petition, residents will remain in the home for a period of 12 months up to 4 years. A maximum of 14 residents would live here at any one time: eleven of them are minors and the other three are in college. The petitioner, his wife, their child and the wife's parents will also live here and oversee the daily operations. Because petitioner will only have joint guardianship of the residents, state licensing requirements do not apply.

Petitioner's home, according to the County Assessor's records, is over 6,300 square feet and has 6 bedrooms and 4 bathrooms to accommodate the residents. A remodel of the interior space will result in two additional bedrooms for a total of 8 bedrooms; this will not change the footprint of the building.

The minors are receiving an online accredited curriculum while the three older females are enrolled off-site in college. According to the petitioner each college student may have their own vehicle, but carpooling will be done when possible. The website for Awakening Youth states that numerous other activities take place after school including softball, soccer, music lessons and gardening.

At its meeting on June 5th 2013, the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for Residential Care, SIC 836, in the A zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. The home exceeds

setbacks and ample room exists for vehicle storage. No buffering is required for this use, but the north half of the 5 acres is heavily wooded.

3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. This 6,300 sq. ft. house on 5 acres should offer plentiful space for the children to play and co-exist. Because petitioner's operation is run like one big family there should be minimal conflict with the surrounding families.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: According to the petition a maximum of 7 cars would be onsite. With two 3-car garages and a 2-car garage, all on 5 acres, parking will not be a problem. The traffic impact is similar to that of a large family with multiple driving-aged family members. Parents of the residents will not visit more often than once every 90 days; no special deliveries are made to the site.
 - b. Placement of outdoor lighting: There will be no additional lighting other than customary residential lighting.
 - c. Noise production: Sources of noise would be from children playing soccer, flag football, softball etc. in the front yard, which is typical of any residential use. Nearly all noise would cease at sundown.
 - d. Hours of operation: 24 hours per day, seven days a week are the normal operating hours for this type of use.

STAFF RECOMMENDATION:

Approval

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.